

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMES H. FISCHER

Plaintiff

v.

STEPHEN T. FORREST, JR and  
SANDRA F. FORREST

Defendants  
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) Case 14cv1304(PAE)

) Case 14cv1307(PAE)

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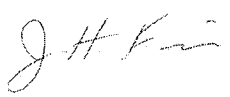
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**PLAINTIFF'S MOTION  
TO FILE SUR-REPLY**

Plaintiff, James Fischer, respectfully requests permission to file a sur-reply in further opposition to Defendants' motions to dismiss. The Defense has raised multiple new arguments in their reply of 10/06/2014, which, if left unanswered, would leave these newly-raised issues briefed only by the Defense. At first glance, the Defense reply includes at least the following completely new arguments:

- 1) A claim that the Plaintiff must "pierce the corporate veil" for the strict liability torts at issue
- 2) That the "URL Was Not Used For Same Goods"
- 3) That a trademark infringed in a website URL is somehow not trademark infringement at all
- 4) That Defendants are now suddenly not the sole shareholders, despite being the sole shareholders of record at the time of filing of this action.
- 5) A mis-quoting of 17 USC 411(a), deliberately excluding mention of §106A(a)

Plaintiff lacks the research facilities available to the Defense, a date of no later than 10/16/14 is requested for his sur-reply, as each Defense citation and claim must be read, understood, and refuted.

  
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